



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------------------|-----------------------------|
| 10/763,331 | 01/26/2004 | Sandy Chu | 4444-0133P | 6967 |
| 2292 7590 09/26/2007 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747 | | | EXAMINER DAM, KIM LYNN | |
| | | | ART UNIT 2179 | PAPER NUMBER |
| | | | NOTIFICATION DATE 09/26/2007 | DELIVERY MODE ELECTRONIC |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/763,331

Applicant(s)

CHU, SANDY

Examiner

Kim-Lynn Dam

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-16 and 18-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 4-16 and 18-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This office action is in response to the following communications: Amendment filed on 6/13/07. **This action is made final.**
2. Claims 1, 5, 13-14 and 27 have been amended. Claims 3 and 17 have been cancelled. Claims 1-2, 4-16 and 18-27 have been examined and are pending. Claims 1 and 14 are independent.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2, 6-10, 15, 16, and 20-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art in view of Park (USPN 6,995,805) and Erdelyi (USPN 6,631,522).

Regarding claim 1, Applicant's own admitted prior art disclosed a method for effect addition in video edition, comprising:

selecting and arranging a plurality of clips, wherein said plurality of clips being arranged as successive and non-overlapped clips (Background, Page 2, lines 18-21; (Figure 1A);

making a plurality of mark in points of said plurality of clips (Background, Page 2, lines 21-22),

adding effects to said plurality of mark in points of the clips (Background, Page 1, lines 22 to Page 2, line 4); and

displaying the clips (It is inherent from Applicant's admitted prior art (Background) that the clips are displayed to allow the editing).

Applicant's admitted prior art did not specifically disclose wherein said mark in points being made by using a scene scan and further according to the joints of the clips.

However, Park disclosed detecting and marking scene changes (Column 6, lines 35-46; Column 7, lines 40-45) and Erdelyi disclosed determining the in and out points which define the beginning and end of consecutive clips (. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the marking techniques of Park and Erdelyi with the video editing of the Applicant's admitted prior art since automatically scanning to mark detected scene changes is more efficient than manually making mark in points (Applicant's admitted prior art, Page 1, line 20 to Page 2, line 4) and making mark in points according the joints of clips allows for effect addition between the clips.

Regarding claim 2, the rejection of claim 1 is incorporated and further Applicant's prior art disclosed wherein said plurality of clips includes different formats (Page 2, lines 6-16).

Regarding claim 6, the rejection of claim 1 is incorporated and further Park disclosed wherein scene scan is used to generate a scene scan sensitivity of each frame of said plurality of clips (Column 5, lines 17-29; Figure 1).

Regarding claim 7, the rejection of claim 1 is incorporated and further Park disclosed wherein said plurality of mark in points are made by comparing said scene scan sensitivity with a scene scan sensitivity threshold (Column 5, lines 17-29; Figure 1; Column 2, lines 39-54).

Regarding claim 8, the rejection of claim 1 is incorporated and Applicant's admitted prior art disclosed further comprising making said mark in points manually by users (Background: Page 1, line 21-23; Page 2, lines 21-22).

Regarding claim 9, the rejection of claim 8 is incorporated and further Applicant's admitted prior art did not specifically disclose wherein said making said mark in points manually by users is before making said plurality of mark in points by using said scene scan. However Applicant's admitted prior art disclosed further comprising making said mark in points manually by users (Background: Page 1, line 21-23; Page 2, lines 21-22) and Park disclosed making said plurality of mark in points by using said scene scan (Background, Page 2, lines 21-22) or making said mark in points manually by users (Figure 1 (where method includes options for manual or auto detect)). Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to

Art Unit: 2179

incorporate the teachings of Park into the video editing of the Applicant's admitted prior art since automatically scanning to mark detected scene changes is more efficient than manually making mark in points for all the scenes (Applicant's admitted prior art, Page 1, line 20 to Page 2, line 4). One of ordinary skill in the art would have found it motivated to have the option for users to manually make mark in points before using the scene scan since it would provide users with more flexibility and alternatives for making mark in points.

Regarding claim 10, the rejection of claim 1 is incorporated and further Park disclosed making said plurality of mark in points according to the recording time when said clip includes said recording time (Column 6, lines 35-46; Column 7, lines 40-45; Figure 1, element 140 (where recording time is where the scene changes)).

Regarding claims 15 and 20-24, they are the corresponding system claims of claim 2 and 6-10. Therefore all the limitations of claims 15 and 18-24 have been addressed above, and claims 15 and 20-24 are rejected under the same rationale.

Regarding claim 16, the rejection of claim 14 is incorporated and further the Applicant's admitted prior art disclosed joining and integrating a plurality of clips to become an integrated clip (Figure 1A; Page 2, lines 18-21).

5. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art in view of Park (USPN 6,995,805) and Erdelyi (USPN 6,631,522) as applied to claim 1 above and further in view of Zhang (US 2003/0112265).

Regarding claim 4, the rejection of claim 1 is incorporated and neither Applicant's admitted prior art, Park or Erdelyi specifically disclosed wherein said mark in points are further made according to where the scene information are. However, Zhang disclosed marking where audio events and video scene changes are detected (Paragraph [0058], lines 10-14; Paragraph [0085], lines 1-2; Paragraph [0090], lines 1-3; Paragraph [0098], lines 1-2; Paragraph [0102], lines 1-3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Zhang, since marking where audio and scene events are would allow for addition of transition effects.

Regarding claim 5, the rejection of claim 1 is incorporated and neither Applicant's admitted prior art, Park or Erdelyi specifically disclosed wherein said scene information can be selected from the audio, graphic and text. However, Zhang disclosed marking where audio events and video scene changes are detected (Paragraph [0058], lines 10-14; Paragraph [0085], lines 1-2; Paragraph [0090], lines 1-3; Paragraph [0098], lines 1-2; Paragraph [0102], lines 1-3). It would have been obvious to one of ordinary skill in

Art Unit: 2179

the art at the time the invention was made to incorporate the teachings of Zhang, since marking where audio and scene events are would allow for addition of transition effects.

6. Claims 11-14, 18-19 and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's own admitted prior art in view of Park (USPN 6,995,805) as applied to claims 1-10 above, and further in view of Matsui et al. (USPN 6,674,955).

Regarding claim 11, the rejection of claim 1 is incorporated and neither Applicant's admitted prior art or Park specifically disclosed further comprising configuring an effect type and an effect duration for forming an effect, wherein said effects are added to said plurality of mark in points according to said effect type and said effect duration.

However, Matsui disclosed the above limitation (Figure 30; Column 41, lines 7-20). It would have been obvious to one of ordinary skill in the art at the time of invention was made to incorporate the teachings of Matsui into the video editing of the Applicant's prior art and system of Park since configuring an effect type and effect duration for effect addition would create better transitions resulting in a more harmonious integrated clip (Applicant's admitted prior art, Page 1, lines 14-18).

Regarding claim 12, the rejection of claim 11 is incorporated and neither Applicant's admitted prior art, Park, or Matsui expressly teach further comprising filtering out said mark in points, wherein said mark in point is filtered out when the range of the adding effect on said mark in point according to said effect type and said effect duration

Art Unit: 2179

overlaps the range of another said mark in point and the scan order of said mark in point is later than said another mark in point. However, this limitation would have been obvious to one of ordinary skill in the art at the time the invention was made in view of Applicant's admitted prior art, Park and Matsui, because they teach the adding of effects to mark in points (See above rejections). The skilled artisan would determine that a mark in point could be filtered out when adding of an effect to that mark in point overlaps another mark in point, since creating a transition between the scene changes to reduce disharmony is the primary purpose of adding effects to those mark in points (Applicant's admitted prior art, Page 1, lines 14-18).

Regarding claim 13, the rejection of claim 11 is incorporated and neither Applicant's admitted prior art, Park, or Matsui expressly teach further comprising adjusting said effect duration of said mark in point, wherein said mark in point is adjusted when the range of the adding effect on said mark in point according to said effect type and said effect duration overlaps the range of another said mark in point and the scan order of said mark in point is later than said another mark in point. However, this limitation would have been obvious to one of ordinary skill in the art at the time the invention was made in view of Applicant's admitted prior art, Park and Matsui, because they teach the adding of effects to mark in points (See above rejections). The skilled artisan would determine that effect duration of a mark in point could be adjusted when adding of an effect to that mark in point overlaps another mark in point, since creating a transition between the scene changes to reduce disharmony is the primary purpose of adding

Art Unit: 2179

effects to those mark in points (Applicant's admitted prior art, Page 1, lines 14-18).

Regarding claim 14, it is the corresponding system claim of claim 11. Therefore all the limitations in claim 14 have been addressed above and claim 14 is rejected under the same rationale.

Regarding claim 18, the rejection of claim 14 is incorporated and neither Applicant's admitted prior art, Park or Erdelyi specifically disclosed wherein said mark in model further comprises making said plurality of mark in points according to where the scene information are. However, Zhang disclosed marking where audio events and video scene changes are detected (Paragraph [0058], lines 10-14; Paragraph [0085], lines 1-2; Paragraph [0090], lines 1-3; Paragraph [0098], lines 1-2; Paragraph [0102], lines 1-3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Zhang, since marking where audio and scene events are would allow for addition of transition effects.

Regarding claim 19, the rejection of claim 14 is incorporated and neither Applicant's admitted prior art, Park or Erdelyi specifically disclosed wherein said scene information can be selected from the audio, graphic and text. However, Zhang disclosed marking where audio events and video scene changes are detected (Paragraph [0058], lines 10-14; Paragraph [0085], lines 1-2; Paragraph [0090], lines 1-3; Paragraph [0098], lines 1-2; Paragraph [0102], lines 1-3). It would have been obvious to one of ordinary skill in

the art at the time the invention was made to incorporate the teachings of Zhang, since marking where audio and scene events are would allow for addition of transition effects.

Regarding claims 25-27, they are the corresponding system claims of claims 11-13. Therefore, all the limitations of 11-13 have been addressed above, and claims 25-27 are rejected under the same rationale.

Response to Arguments

7. Applicant's arguments with respect to claims 1, 14 and 5 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 2179

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim-Lynn Dam whose telephone number is (571) 270-1408. The examiner can normally be reached on M-TH 8:00-5:30, every other Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kim-Lynn Dam



WEILUN LO
SUPERVISORY PATENT EXAMINER